

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

**ROBERT L. ANDERSON ADMINISTRATION CENTER  
4000 SOUTH TAMiami TRAIL  
COUNTY COMMISSION CHAMBER  
VENICE, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4  
Shannon Staub, Vice Chair, District 3  
Paul H. Mercier, District 1  
Joseph A. Barbetta, District 2  
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator  
David Bullock, Deputy County Administrator  
Rob Lewis, Planning and Development Services Executive Director  
Stephen DeMarsh, County Attorney  
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller  
Claudia Goodson, Deputy Clerk

**INVOCATION**

Environmental Services Operations General Manager George MacFarlane

**PLEDGE OF ALLEGIANCE**

Commissioner Barbetta

**PRESENTATION OF PROCLAMATIONS:**

Early American History Month - Daughters of the American Revolution - May 2007  
Early American History Month - Sons of the American Revolution - May 2007

**CONSENT SECTION:**

9:13:20 Board Action: Approved Items 1-19, with separate discussions on Items 4, 5, 6, 9, 13, and 14, as follows. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

**1. ADMINISTRATION**

Ratified the following previously issued Proclamations:

- A.** First Anniversary - University of Phoenix Sarasota - April 13, 2007;
- B.** Buck O'Neil Day - April 14, 2007;
- C.** Earth Day 2007 - April 22, 2007;
- D.** Cover the Uninsured Week - April 23 through April 29, 2007.

**2. ENVIRONMENTAL SERVICES**

- A.** Approved Contract No. 2007-299, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the construction of the Siesta Heights-Matheny Creek Drainage Improvement Project, in the amount of \$425,000.00;
- B.** Adopted Resolution No. 2007-086, Budget Amendment No. B2007-041, amending the Fiscal Year (FY) 2007 Budget to appropriate SWFWMD funding for the Siesta Heights-Matheny Creek Drainage Improvement Project;

- 2. ENVIRONMENTAL SERVICES - Continued**
- C.** Approved Contract No. 2007-300, a Cooperative Funding Agreement, with the SWFWMD for the construction of the South Pelican Drive-Hudson Bayou Drainage Improvement Project, in the amount of \$200,000.00;
- D.** Adopted Resolution No. 2007-087, Budget Amendment No. B2007-042, amending the FY 2007 Budget to appropriate SWFWMD funding for the South Pelican Drive-Hudson Bayou Drainage Improvement Project.

- 3. ENVIRONMENTAL SERVICES**  
Adopted Resolution No. 2007-088 establishing the 2007 Price Index for franchise water and wastewater utilities.

(9:13:40)

- 4. ENVIRONMENTAL SERVICES**  
9:14:13 Board Action: Adopted Resolution No. 2007-089 recognizing the public purpose in the acquisition of the assets of the Beekman Place Utility Corporation, pursuant to Florida Statute 125.3401. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

(9:14:31)

- 5. FINANCIAL PLANNING**  
9:19:47 Board Action: Adopted Resolution No. 2007-088 recommending Project No. 070401 for the Qualified Target Industry (QTI) Tax Refund Program and to commit local financial support of 20 percent to match the State's tax refund of 80 percent. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

Public Presenter: Economic Development Corporation of Sarasota County President Kathy Baylis

Item submitted: A copy of a document entitled "Salary Comparisons Project No. 070401"

(9:20:05)

- 6. FINANCIAL PLANNING**  
9:22:50 Board Action: Authorized the disposal of vehicles and off-road equipment. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

- 7. FINANCIAL PLANNING**  
Authorized the conveyance of surplus property items to other governmental agencies, charitable organizations for auction and/or disposal.

- 8. FINANCIAL PLANNING**  
Approved payment to Allstate Insurance as subrogee of Jean Kelliher for full and final settlement of a subrogation claim, in the amount of \$6,999.99.

(9:23:09)

- 9. FINANCIAL PLANNING**  
9:24:02 Board Action: Approved payment to Allstate Insurance as subrogee of Joan Domurat for full and final settlement of a subrogation claim, in the amount of \$5,608.67. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

- 10. FINANCIAL PLANNING**  
Approved Contract No. 2007-301 amending the Tourist Development Fiscal Year 2007 Cultural/Arts Grant Agreement, for the Florida State University (FSU)/John and Mable Ringling Museum of Art - If You Haven't Been to the Ringling, You Haven't Been to Sarasota, as approved by the Board on July 12, 2006, approving the addition of a proposed Addendum requested by FSU.

**11. FINANCIAL PLANNING**

Referred a conduit financing request by S.W. Retirement Center, Inc., d/b/a Village On the Isle, for refunding its existing Series 1993 A, C, and D bonds by issuing a combination of new fixed-rate and variable rate bonds to the County Health Facilities Authority and Industrial Development Revenue Bond Citizens Advisory Committee for review and recommendation, in an amount of not to exceed \$36,000,000.00.

**12. PLANNING AND DEVELOPMENT SERVICES**

Reappointed Judith Anne Johnson, George Dellos, Sandy Keith, and David Mitchell to serve three-year terms on the Osprey Revitalization Committee (ORC), effective through April 2010.

**13. PUBLIC WORKS**

9:28:03 Board Action: Approved Contract No. 2007-302, Amendment No. 1 to Contract No. 2007-221, with Oswald and Hazarene Henry for the purchase of a vacant lot to protect a significant archaeological site lying within the City of North Port, reducing the purchase price from \$50,000.00 to \$44,400.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

9:26:59 Board Action: Requested that a map be included in future Staff reports. Requested by Staub, without objection.

(9:12:12)

**14. PUBLIC WORKS**

9:12:12 Board Action: Deferred consideration of Items 14A, 14B, and 14C by Patterson, without objection.

- A.** A Contract, a Local Agency Program (LAP) Agreement, with the Florida Department of Transportation (FDOT) for the Alligator Creek Trail Phase I Project for the design and construction of 1.2 miles  $\pm$  of a 12-foot wide paved multi-purpose, non-motorized trail located along the south side of Alligator Creek between Jacaranda Boulevard and U.S. 41 South, in the amount of \$300,000.00;
- B.** A Resolution authorizing the execution of the LAP Agreement;
- C.** A Resolution, Budget Amendment No. B2007-029, amending the Fiscal Year (FY) 2007 Budget to appropriate the funding.

**15. PUBLIC WORKS**

Approved Contract No. 2007-303, Amendment No. 1 to Contract No. 2006-343, with BMK Architects, Inc., for professional services for the design of the West Jail Sally Port and Booking Area Renovation Project, in the amount of \$50,062.50.

**16. PUBLIC WORKS**

Adopted Resolution No. 2007-091 establishing a new process for Plat Vacation Petitions.

**17. PUBLIC WORKS**

- A.** Approved Contract No. 2007-304, Amendment to Contract No. 2006-251, a Solar Energy Site Lease with PVONE, LLC, for the installation, construction, operation, and maintenance of a photovoltaic energy system under the Florida Power and Light (FPL) Company Sunshine Energy Program;
- B.** Approved Contract No. 2007-305, Consent of Assignment Agreement with PVONE, LLC, to effectuate the assignment of the Solar Energy Site Lease from PVONE, LLC, to MMA FLA, LP.

**18. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

Ratified and approved the warrants dated April 2 through April 13, 2007, in the amount of \$24,420,668.75, as detailed in the voucher packages filed in the Finance Department.

**19. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

Approved the Minutes of the meetings dated April 3, April 10, and April 11, 2007.

(9:28:37)

**SARASOTA COUNTY TRANSPORTATION AUTHORITY - CONSENT SECTION**

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the Sarasota County Transportation Authority (SCTA).

**20. PUBLIC WORKS**

9:34:02 Board Action: Adopted Resolution No. 2007-092 authorizing the execution and submittal of a Grant Application to the U.S. Department of Transportation Federal Highway Administration for Intelligent Transportation Systems Operational Testing for Mitigation Congestion Project funding for Fiscal Year (FY) 2008 - FY 2010. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Chair Patterson adjourned the SCTA and reconvened as the BCC.

**DISCUSSION SECTION:**

(9:35:05)

**21. PLANNING AND DEVELOPMENT SERVICES**

The Board considered the presentation of the Englewood Area Planning Advisory Board (EAPAB) Annual Report.

Staff Presenter: Planning and Development Services Planning Director Anne McClung

Public Presenter: EAPAB Chairman Kreg Maheu

9:47:50 Board Action: Requested that the EAPAB review and provide input regarding the State Road 776 Corridor Plan. Requested by Staub, without objection.

(9:51:17)

**22. ENVIRONMENTAL SERVICES**

The Board considered the appointments of three individuals to serve three-year terms on the Environmentally Sensitive Lands Oversight Committee (ESLOC), effective through April 2010, as follows:

- A.** One individual to serve as the Citizen-At-Large Representative;
- B.** One individual to serve as the Environmental Representative;
- C.** One individual to serve as the Business/Development Representative.

Staff Presenter: Environmental Services Natural Resources Project Scientist Brooke Elias

9:55:48 Board Action: Closed the nominations. Moved by Staub, seconded by Thaxton, carried without objection.

9:56:01 Board Action: Appointed Jean Blackburn as the Business/Development Representative, without objection.

**22. ENVIRONMENTAL SERVICES - Continued**

9:56:36 Board Action: Closed the nominations. Moved by Thaxton, seconded by Staub, carried without objection.

9:56:56 Board Action: Appointed Ann Van Cott as the Citizen-At-Large Representative, without objection.

9:57:09 Board Action: Closed the nominations. Moved by Thaxton, seconded by Staub, carried without objection.

9:57:20 Board Action: Appointed Jono Miller as the Environmental Representative, without objection.

**PUBLIC HEARINGS:**

(10:00:38)

**23. PLANNING AND DEVELOPMENT SERVICES**

- A. Public hearing to consider proposed Ordinance No. 2007-043, amending Ordinance No. 2001-008, the Nokomis Center Revitalization Plan (NCRP), revising Figure 1: The Future Land Use Map and Conditions for Development Approval, authorizing an amendment to the Comprehensive Plan's Future Land Use Map and Future Land Use Policy 3.2.3., implementing the NCRP Amendment, and authorizing an amendment to the Zoning Ordinance to allow the adopted Revitalization Plan to set the maximum density by right within the CG (Commercial General) and RMF-3/PUD (Residential, Multi-Family, 13 units/acre/Planned Unit Development) zone districts;
- B. (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-043 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.)
- C. (Not a public hearing.) To consider a proposed Resolution renaming the Nokomis Center Revitalization Advisory Committee (NCRAC) to the Nokomis Revitalization Advisory Committee (NRAC), adding a Youth Representative, removing the prohibition of appointing elected officials, and changing the sunset date.

Staff Presenters: Planning and Development Services Neighborhood Services Manager Jane Grogg, Planning and Development Services Current Planning Manager Crystal Allred, Planning and Development Services Planning Director Anne McClung, and County Attorney Stephen DeMarsh

**RECESS:** 10:44 a.m. - 10:59 a.m.

Public Presenters: NCRAC Chairman Bruce Dillon, John Ask, Charles Doyle, Alan Garrett, and Claus Klatkowitsch

11:47:40 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

11:48:25 Board Action: Authorized a Comprehensive Plan Amendment to the Comprehensive Plan's Future Land Use Map and Future Land Use Policy 3.2.3, implementing the Nokomis Center Revitalization Plan Amendment. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:48:25 Board Action: Adopted Resolution No. 2007-093 renaming the Nokomis Center Revitalization Advisory Committee (NCRAC) to the Nokomis Revitalization Advisory Committee (NRAC), adding a Youth Representative, removing the prohibition of appointing elected officials, and revising the sunset date. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:58:29 Board Action: Reopened the public hearing by Patterson, without objection.

**23. PLANNING AND DEVELOPMENT SERVICES - Continued**

11:59:02 Board Action: Continued the public hearing to consider proposed Ordinance No. 2007-043 to June 26, 2007, at 9:00 a.m., or as soon thereafter as possible, with consideration of Form Base Code implementations and including the revisions to address scrivener's errors and the attachments/maps to the proposed Ordinance, as requested by the Board this date. Moved by Staub, seconded by Mercier, carried without objection.

**Note: Oath/Signature Cards Filed for Record.**

**REPORTS SECTION:**

(11:59:26)

**24. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER'S REPORT**

Clerk of the Circuit Court and County Comptroller Karen Rushing noted the Filed for Record List.

**RECESS:** 11:59 a.m. - 1:30 p.m.

**25. COUNTY ADMINISTRATOR'S REPORT**

7:21:31 Board Action: Deferred the County Administrator's Report to April 25, 2007, by Patterson, without objection.

**26. COUNTY ATTORNEY'S REPORT**

7:21:31 Board Action: Deferred the County Attorney's Report to April 25, 2007, by Patterson, without objection.

**27. COMMISSION AND COMMITTEE REPORTS**

7:21:31 Board Action: Deferred the Commission and Committee Reports to April 25, 2007, by Patterson, without objection.

**28. ADMINISTRATION**

7:21:31 Board Action: Deferred the County Commission Outstanding Board Assignments Report dated April 19, 2007, to April 25, 2007, by Patterson, without objection.

**29. ADMINISTRATION**

7:21:31 Board Action: Deferred the Board of County Commissioners Meeting Schedule to April 25, 2007, by Patterson, without objection.

(1:34:08)

**30. OPEN TO PUBLIC**

Joann Stegenca commented on concerns with obtaining utility services for the Myakka River Oyster Bar and the appearance of the west U.S. 41 Corridor entrance to the City of North Port.

Staff Presenter: Deputy County Administrator David Bullock

Item submitted: A copy of Ms. Stegenca's presentation

**DISCUSSION SECTION:** - Continued

(1:39:27)

**31. PLANNING AND DEVELOPMENT SERVICES**

The Board considered the process, matrix, and scoring system for proposals to the Community Housing Fund (CHF).

Staff Presenters: Planning and Development Services Interim Community Housing Manager MaryBeth Humphreys, County Attorney Stephen DeMarsh, Planning and Development Services Housing and Community Development Services General Manager Donald Hadsell, and County Administrator James Ley

Public Presenter: Community Housing Trust (CHT) Chief Executive Officer Martina Guilfoil

2:08:38 Board Action: Revised the Housing Fund Scoring Sheet as follows. Moved by Staub, seconded by Patterson, carried by a 5-0 vote.

- Item 1, Number of units and cost per unit - 30 points (15 points for cost per unit/15 points for subsidy per unit)
- Item 2, Quality of Development Plan - 10 points
- Item 3, Quality of Financing Plan - 15 points
- Combined Item 4, Duration of Affordability and Item 5, Funds/Assets Returned or Recycled - 15 points
- Combined Item 6, Smart Growth Principles; Item 7, Green Buildings; and Item 9, Location - 25 points
- Deleted Item 8, Partners
- Item 10, Time to Completion - 5 points
- Amended the word "subsidy" to the words "public investment" in Item 1, Number of units and cost per unit.

2:22:22 Board Action: Referred the funding request by the CHT to the County Administrator regarding the Hatton Street and Laurel Street affordable housing developments for review and to provide a draft of a loan agreement and a report on the completion time frame and the potential reimbursement of funds. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

2:31:09 Board Action: Moved to direct the County Administrator to provide a report on the allocation of \$10 million to purchase and rehabilitate houses for affordable housing to include rentals and transitional housing. Moved by Mercier, seconded by Barbetta, failed by a 2-3 vote; Thaxton, Patterson, and Staub voted "No."

2:33:23 Board Action: Moved to direct the County Administrator to provide a report on a proposal to allocate funding to purchase and rehabilitate houses for affordable housing to include rentals and transitional housing for Board consideration during the future matrix review. Moved by Thaxton, died for lack of a second.

2:34:03 Board Action: Moved to direct the County Administrator to provide a report on a proposal to allocate \$5 million to purchase and rehabilitate houses for affordable housing to include rentals and transitional housing. Moved by Mercier, seconded by Barbetta, failed by a 2-3 vote; Thaxton, Patterson, and Staub voted "No."

**PUBLIC HEARINGS:** - Continued

(2:42:12)

**32. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-025, Rezone Petition No. 06-33, a petition by Brian Lichterman, Agent, to rezone 1.05 acres ± located west of Englewood Road and ¼ mile ± south of Shane Road, from RE-2 (Residential Estate, 1 unit/1 acre) to RMF-3 (Residential Multifamily, 13 units/1 acre) zone district. (No recommendation provided by the Planning Commission.)

Staff Presenters: County Attorney Stephen DeMarsh and Planning and Development Services Planner Adriana Trujillo-Villa

Public Presenters: Agent Brian Lichterman, Jeff Kern, Garrett Snodgrass, John Spencer, Kevin Bassetti, Lois Arce, and Marta Golebiowski

2:46:26 Board Action: Closed the public hearing by Patterson, without objection.

5:54:57 Board Action: Opened the public hearing by Patterson, without objection.

6:24:06 Board Action: Adopted Ordinance No. 2007-025, approving Rezone Petition No. 06-33, with RMF-1 (Residential, Multi-Family, 6 units/acre) zoning, with amended stipulations, including the addition of a stipulation that "The total height of the structures shall be no higher that 35 feet inclusive of parking," and the addition of a stipulation that "Access to the boat lots to the southwest of this property shall not be negatively affected by the development of this project." Moved by Barbetta, seconded by Thaxton, carried by a 4-1 vote; Mercier voted "No."

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 6:27 p.m. - 6:35 p.m.

(2:46:30)

**33. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-026, Rezone Petition No. 06-34, a petition by Brian Lichterman, Agent, to rezone 3.06 acres ± located west of Englewood Road and ¼ mile ± south of Shane Road, from RE-2 (Residential Estate, 1 unit/1 acre) to RMF-3/PUD (Residential Multifamily, 13 units/1 acre/Planned Unit Development Overlay) zone district. (No recommendation provided by the Planning Commission.)

Staff Presenters: Planning and Development Services Planner Adriana Trujillo-Villa, Public Works Transportation Mobility Planning Manager Paula Wiggins, County Attorney Stephen DeMarsh, and Planning and Development Services Current Planning Manager Crystal Allred

Public Presenters: Agent Brian Lichterman, Tom Minnich, Lynford Nehil, Richard Fuerst, Carolyn Hartland, Sabra Leidtke, Lois Arce, Mike Arce, Garrett Snodgrass, correspondence read into record by Garrett Snodgrass from Nancy and Richard Hoyt and from Charles Abbott, and Eldred Paufve

**RECESS:** 4:04 p.m. - 4:16 p.m.

Public Presenters: (Continued) Jeff Kern, Robert Seneca, Robert Antoinette, John Spencer, Kevin Bassetti, Joan Harms, Marcia Arnold, Marty Ryan, Deborah Reynolds, Mary Lou Ardrey, Marta Golebiowski, Doreen Barnett, and Owner Sue Zipay

**33. PLANNING AND DEVELOPMENT SERVICES - Continued**

Items submitted: Copies of correspondence from "Concerned Neighbor," Nancy and Richard Hoyt, and Charles Abbott, copies of photographs, and a copy of proposed/revised stipulations

5:50:27 Board Action: Adopted Ordinance No. 2007-026, approving Rezone Petition No. 06-34, with RMF-1 (Residential, Multi-Family, 6 units/acre) zoning, with amended stipulations, including the deletion of Stipulation No. 1, and adding a stipulation that "The total height of the structures shall be no higher than 35 feet inclusive of parking," and a stipulation that "Access to the boat lots to the west of this property shall not be negatively affected by the development of this project." Moved by Staub, seconded by Patterson, carried by a 4-1 vote; Mercier voted "No."

**Note: Oath/Signature Cards Filed for Record.**

(6:35:57)

**34. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider Ordinance No. 2007-004, Rezone Petition No. 06-06, a petition by Jeffery Boone, Agent, to rezone 10.8 acres ± located on the south side of Morningside Drive and 600 feet ± east of Pine Street, from OUE-1 (Open Use, Estate, 1 unit/5 acres) to RSF-1 (Residential, Single Family, 2.5 units/1 acre) zone district. (Planning Commission recommended denial.)

Staff Presenter: Planning and Development Services Senior Planner Kirk Crane

Public Presenters: Attorney Jeffrey Boone, Keith Rowley, Susan Young, Robert Lindsay, Pauline Sipe, and Judy Gouin

Item submitted: A copy of correspondence from Jeanne O'Rourke

7:16:14 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

7:16:29 Board Action: Denied Ordinance No. 2007-004 and adopted Resolution No. 2007-085, denying Rezone Petition No. 06-06. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

(7:21:31)

**35. OTHER BUSINESS**

7:21:44 Board Action: Requested that the County Administrator provide a report to the Board, by e-mail, regarding the land use designation and the present state of consistency with the designation regarding the property located on the northern boundary of the Stillwater Subdivision. Requested by Thaxton, without objection.

(7:19:07)

**36. OPEN TO PUBLIC - Opened and closed without comment.**

**PUBLIC HEARINGS - Continued**

(7:19:40)

**37. PLANNING AND DEVELOPMENT SERVICES**

First public hearing to consider proposed Ordinance No. 2007-047, Zoning Ordinance Amendment No. 22, amending Ordinance No. 2003-052, as amended, and codified in Appendix A of the County Code, creating Section 6.10.9., Reductions in front, side, and rear yards and front, side, and rear landscape buffers in the Commercial General (CG) zone district by Special Exception for mixed use projects which are part of a Development of Regional Impact (DRI). (Second public hearing scheduled on May 9, 2007.)

Staff Presenter: Planning and Development Services Current Planning Manager Crystal Allred

7:21:04 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried without objection.

**Note: Oath/Signature Cards Filed for Record.**

**MEETING ADJOURNED:** 7:22 p.m.